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To: Commissioner for Patents for Examiner Jacob Lipman Group Art Unit 2134	Facsimile No.: 571/273-8300
From: Jane M. Roberts for Michele Morrow Legal Assistant to Gerald H. Glanzman	No. of Pages Including Cover Sheet: 9
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document;• Reply Brief; and• Duplicate Copy of Page 30 of Appeal Brief filed on May 27, 2005.	
Re: Application No. 09/751,576 Attorney Docket No: AUS920000797US1	
Date: Tuesday, October 25, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 25 2005

In re application of: Leung et al.

§ Group Art Unit: 2134

Serial No.: 09/751,576

§ Examiner: Lipman, Jacob

Filed: December 29, 2000

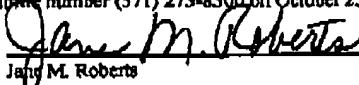
§ Attorney Docket No.: AUS920000797US1

§

For: Method and Apparatus in a Data Processing System for a Keystore

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By:


Jane M. Roberts

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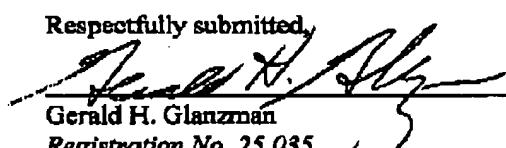
Sir:

ENCLOSED HEREWITH:

- Reply Brief (37 C.F.R. 41.41); and
- Duplicate Copy of Page 30 of Appeal Brief filed on May 27, 2005.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,


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Docket No. AUS920000797US1

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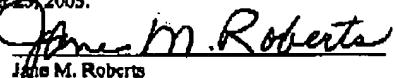
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Leung et al. §
Serial No. 09/751,576 § Group Art Unit: 2134
Filed: December 29, 2000 § Examiner: Lipman, Jacob
For: Method and Apparatus in a §
Data Processing System for a §
Keystore §

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on October 25, 2005.

By:


John M. Roberts

REPLY BRIEF (37 C.F.R. 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on September 2, 2005.

No fees are believed to be required to file a Reply Brief. Any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF REPLY BRIEF.

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STATUS OF AMENDMENTS

Claims 1, 2, 4-21 and 23-32 on appeal herein remain as presented in the Response to Office Action filed October 15, 2004.

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SUMMARY OF CLAIMED SUBJECT MATTER

The "SUMMARY OF CLAIMED SUBJECT MATTER" presented on page 6 of the Appeal Brief has been accepted as correct by the Examiner on page 2 of the Examiner's Answer.

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RESPONSE TO EXAMINER'S REMARKS**GROUND OF REJECTION 1 (1, 2, 4-21 and 23-32)**

Appellants have attached page 30 for the Examiner's review. According to Appellants' records, the entire Appeal Brief, including page 30, was faxed to and received by the Patent Office. Applicants have no explanation for what possibly could have happened to precipitate the Examiner's receiving two copies of page 29 and no copies of page 30. Page 30 mainly includes summary statements. However, Appellants are attaching page 30 hereto for the sake of the completeness of Examiner's records.

Claims 1, 2, 4-21 and 23-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cane et al., U.S. Patent No. 5,940,507, in view of Padgett et al., U.S. Patent No. 6,167,518. Claim 1 is reproduced below for the convenience of the Board:

1. A method in a data processing system for managing access to data in a keystore, the method comprising:
 - receiving a request for access to an item of data from a requestor, wherein the item of data is encrypted using a first key;
 - determining whether the requestor is a trusted requestor, wherein the determining step is performed by checking a requestor's identity against a trusted codebase;
 - responsive to a determination that the requestor is a trusted requestor, decrypting a copy of the item of data using a second key to form a decrypted item of data; and
 - sending the decrypted item of data to the requestor.

Appellants continue to submit that Cane does not disclose "responsive to a determination that the request or is a trusted request or, decrypting a copy of the item of data using a second keen to form a decrypted item of data," as recited in claim 1 of the present invention.

In the Examiner's Answer, the Examiner states the following in responding to Appellants' arguments:

With regard to applicant's argument that, "the encrypted file in Cane is not a copy of an item of data wherein the original item is encrypted using a first key and the copy is encrypted with a second key", the examiner points to columns 3-4 of Cane. Cane clearly discloses that an item of data (secondary key) is encrypted (with a master key, column 3 lines 59-61). This encrypted key is then copied and further encrypted

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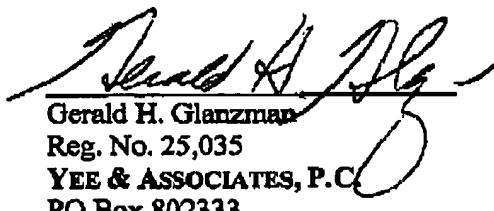
(column 4 lines 16-26) as outlined above. When requested the copy is then decrypted from the additional layer of security encryption, in order to return the item to the requestor. The examiner agrees that the item of data is still encrypted, but it is also clearly decrypted as well (from the additional encryption).

Appellants respectfully disagree with the Examiner's assertions. Cane does not disclose decrypting a copy of the item of data using a second key. Cane teaches taking an item of data and encrypting it with one key and encrypting that key with a second key, called a master key. The master key remains with the originator of the data while the encrypted first key and the encrypted item of data are then sent to a facility for storage. As the Examiner points out, once the encrypted key and encrypted item of data are received at the storage location they are further encrypted and stored on magnetic tape. However, Appellants submit that the Examiner mischaracterizes what Cane teaches when the Examiner states that the encrypted key is then copied and further encrypted. Appellants submit that what Cane teaches is that the encrypted key is written to another location, not that a copy of the encrypted key is created so that an original encrypted key and a copy of the encrypted key both exist, as in the presently claimed invention.

The present invention recites receiving a request for access to an item of data from the requestor wherein the item of data is encrypted using a first key. However, in response to a determination that the requestor is a trusted requestor, the present invention decrypts a copy of the item of data, not the original item of data. This copy of the item of data is decrypted using a second key, which is different from the first key, the key that was used to encrypt the original item of data. Therefore, under the present invention, two versions of the item of data exist at the same time, an original item of data which is encrypted with one key, the first key, and a copy of the item of data which has been encrypted with a different key, the second key. In contrast, Cane recites an item of data encrypted twice using two different keys, not an item of data and a copy of the item of data, each of which are separately encrypted using different keys.

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In view of the above, Appellants respectfully submit that claims 1, 2, 4-21 and 23-32 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action and in the Examiner's Answer.



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believed to be disclosed by this cited reference are not present. Thus, the combination of Cane with the Padgett reference would not teach the presently claimed invention as recited in claim 11. Therefore, the examiner has failed to state a *prima facie* case of obviousness.

Thus, claims 11, 15, 30 and 31 are patentable over the cited references because combination of the Cane reference with the Padgett reference does not teach or suggest the presently claimed invention. Accordingly, for all the above reasons, Appellants submit that the Final Rejection of claims 11, 15, 30 and 31 is improper, and respectfully request that the Final Rejection be reversed.

Claims 16-19 are dependent claims which depend on independent claim 15. As Appellants have already demonstrated claim 15 to be in condition for allowance, Appellants respectfully submit that claims 16-19 are also allowable at least by virtue of their depending from an allowable claim.

Accordingly, for all the above reasons, Appellants submit that the Final Rejection of claims 16-19 is improper, and respectfully request that the Final Rejection be reversed.

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